

## **REMARKS**

The Applicants have carefully reviewed the Office Action mailed July 13, 2007 and offer the following remarks.

Claims 2-15 and 17-30 were rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as that of claims 13-26 of prior U.S. Patent No. 7,181,243 to *Nicholls et al.* (hereinafter “*Nicholls*”). The Applicants’ representative, Tony Josephson, and Examiner Wendell discussed this rejection on December 12, 2007. Particularly, Examiner Wendell kindly mentioned that this rejection would be withdrawn, as indicated in a voicemail left with the Applicants’ representative on December 12, 2007.

Claims 1-31 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 7,181,243 in view of U.S. Patent Application Publication No. 2004/0266356 A1 to *Javor et al.* (hereinafter “*Javor*”).<sup>1</sup> The Applicants will address these rejections when the Patent Office indicates that the claims in the present application include allowable subject matter. The Applicants reserve the right to file a terminal disclaimer, to distinguish the cited references, or to otherwise address the provisional obviousness-type double patenting rejections at a later time.

Claims 1-3, 6, 7, 11-13, 16-18, 21, 22, 26-28, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,125,109 to *Fuerter* (hereinafter “*Fuerter*”) in view of U.S. Patent No. 7,069,051 B1 to *Katz* (hereinafter “*Katz*”) and further in view of U.S. Patent Application Publication No. 2003/0148747 A1 to *Yamamoto* (hereinafter “*Yamamoto*”) and *Javor*. The Applicants respectfully traverse the rejections.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicants submit that neither *Fuerter*, *Katz*, *Yamamoto*, nor *Javor*, either alone or in combination, discloses or suggests all the features recited in claims 1-3, 6, 7, 11-13, 16-18, 21, 22, 26-28, and 31. More specifically, claim 1 recites a method for combining signals comprising, among other features, “receiving a second receive signal that is different from the first receive signal and centered about the first center frequency from a second antenna” where the first receive signal is centered about the first center frequency. Claims 16 and 31 include

---

<sup>1</sup> The Office Action indicated that only claims 1, 16, and 31 were rejected. However, in the voicemail left with the Applicants’ representative, Examiner Wendell indicated that claims 2-15 and 17-30 were being rejected on similar grounds as claims 1, 16, and 31.


similar features. The Applicants submit that none of the references, either alone or in combination, disclose or suggest receiving a second receive signal different from a first receive signal from a second antenna where the first and second receive signals are centered about a first center frequency. As correctly pointed out by the Patent Office, *Fuerter*, *Katz*, and *Yamamoto* do not disclose this feature.<sup>2</sup> Similarly, *Javor* does not disclose this feature. Nevertheless, the Patent Office supports the rejection by stating that claim 14 of *Javor* discloses this feature.<sup>3</sup> The Applicants respectfully disagree. While claim 14 of *Javor* does disclose receiving a second signal different from a first signal, the cited portion does not disclose that the first and second signals are centered about a first center frequency.<sup>4</sup> Moreover, the Applicants have reviewed the remaining portions of *Javor* and submit that nowhere does *Javor* disclose or even suggest this feature. As such, claims 1, 16, and 31 are patentable over the cited references and the Applicants request that the rejection be withdrawn. Likewise, claims 2, 3, 6, 7, 11-13, 17, 18, 21, 22, and 26-28, which variously depend from claims 1 and 16, are patentable for at least the same reasons along with the novel features recited therein.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:

  
Anthony J. Josephson  
Registration No. 45,742  
100 Regency Forest Drive, Suite 160  
Cary, NC 27518  
Telephone: (919) 238-2300

Date: December 13, 2007  
Attorney Docket: 7000-323

---

<sup>2</sup> See Office Action mailed July 13, 2007, page 11.

<sup>3</sup> See Office Action mailed July 13, 2007, page 11.

<sup>4</sup> See *Javor*, page 4, ll. 21-22.